

REMARKS/ARGUMENTS

Claims 1, 3, 5-10, 12, and 14-18 are pending in this application. Claims 1 and 10 are independent claims. Claims 2, 4, 11, 13 and 19-20 have been canceled. Claims 1, 3, 8-10, 12, and 18 have been currently amended, in which independent Claim 1 has been currently amended by collapsing original Claims 4, 2 and 1 into the currently amended Claim 1, and independent Claim 10 has been currently amended by collapsing original Claims 13, 11 and 10 into the currently amended Claim 10.

Floppy Disk

Per the Patent Office's request, Applicant has enclosed a floppy disk containing all pending claims along with Applicant's responsive remarks. Applicant understands that only the paper copy will be entered.

Objection to the Specification

The Patent Office has indicated that "[o]n page 2 of the Application, the cross referenced applications are missing the PTO serial numbers for proper identification. Appropriate correction is required." (Office Action, Page 2). Applicant has supplied the relevant PTO serial numbers on Page 3 of this paper.

Claim Rejections – 35 USC § 102

Claims 1-6, 10-15 and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nessel et al. ("Nessel", U.S. Patent Number 5,727,145). Claims 1 and 10 were rejected under 35 U.S.C. § 102 as being anticipated by the admitted Prior Art (APA) disclosed in the Application background. Applicant respectfully traverses these rejections. However, independent Claim 1 has been currently amended by collapsing original Claims 4, 2 and 1 into the currently amended Claim 1, and independent Claim 10 has been currently amended by collapsing original Claims 13, 11 and 10 into the currently amended Claim 10.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann*

Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claims 1 and 10, as amended, each recite an element of “an architecture administrator”. In rejecting the original Claims 4 and 13 (i.e., the current Claims 1 and 10, respectively), the Patent Office has analogized Nessett’s ORB (Object Request Broker) to an architecture administrator (AA). Applicant respectfully disagrees with this analogy.

The characteristics of an ORB and shortcomings of using an ORB are disclosed in Application. These are shown, for example, by “[t]he object-client and object server communicate through an Object Request Broker (ORB) ... such existing distributed object architectures require that all transactions (communications between client objects and server objects) must pass through an ORB. As a result, the ORB becomes a single failure point which could potentially disable such a system.” (emphasis added) (Application, Page 4, Lines 12-18). In addition, “an ORB typically requires a large amount of memory. Thus, architectures such as CORBA would be unsuitable for ‘thin’ (simple) appliances which have a limited amount of memory.” (emphasis added) (Application, Page 4, Lines 18-20).

However, the architecture administrator (AA), as recited in Claims 1 and 10, “serves as the central ‘launch point’ (‘dispatcher’) for DBOs. While the AA controls launch of DBOs, it is anticipated in a presently preferred embodiment, it will have no further involvement in DBO transactions. This is important, since to do otherwise introduces a ‘single-point-of-failure’ in the system” (emphasis added) (Application, Page 11, Lines 11-14). This is also shown, for example, in FIG. 6B of the Application.

In other words, while an ORB gets involved in all communications between client objects and server objects, an AA only gets involved in launch of dynamic base objects (DBOs). After the launch the DBOs will communicate directly with one another (without the AA’s further involvement). Thus, the Patent Office’s analogy of Nessett’s ORB to an architecture administrator as recited in Claims 1 and 10 was not appropriate.

Therefore, Nessett and APA fail to disclose, teach, or suggest “an architecture administrator” as recited in Claims 1 and 10. Thus, the rejections should be

withdrawn, and Claims 1 and 10 should be allowed.

Claims 3 and 5-6 depend from Claim 1 and are therefore allowable due to their dependence upon Claim 1. Claims 12 and 14-15 depend from Claim 10 and are therefore allowable due to their dependence upon Claim 10.

Claim Rejections – 35 USC § 103(a)

Claims 7-9 and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nessett in view of the APA. Applicant respectfully traverses this rejection.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

As indicated in the foregoing *Claim Rejections – 35 USC § 102* section, Nessett and APA fail to disclose, teach, or suggest “an architecture administrator” as recited in Claims 1 and 10. Thus, independent Claims 1 and 10 are nonobvious under 35 U.S.C. 103.

Claims 7-9 depend from Claim 1 and are therefore nonobvious due to their dependence upon Claim 1. Claims 16-18 depend from Claim 10 and are therefore nonobvious due to their dependence upon Claim 10. Thus, the rejection should be withdrawn, and Claims 7-10 and 16-18 should be allowed.

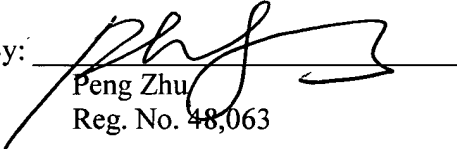
CONCLUSION

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of
Gateway, Inc.,

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By: _____


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